

**REMARKS**

The present invention relates to a control for a machine for making paper padding. The machine includes a drive motor having a cutting device as well as a shaping device to form a piece of padding from the paper web and to cut it off in a desired length.

The machine includes an input, such as the button 18, to input a desired length of padding. The overall control unit 10 or 40 also includes a memory to control the drive motor in response to the input mechanism.

An activation of the input mechanism 18 starts the drive motor and a deactivation of the input mechanism stops the drive motor and also triggers a cutting procedure so that the time period of the activation of the input means corresponds to the length of the padding produced. The control unit automatically stores this length of padding produced in memory upon deactivation of the input means and makes it available for a subsequent call up.

The claims are resubmitted at this time without amendment for reconsideration and allowance by the Patent Examiner.

The Patent Examiner, however, has rejected the previously submitted claims as anticipated under 35 U.S.C. §102 by U.S. Patent Application Publication No. 2003/0114288 to Harding. However, as discussed below, Applicant respectfully submits that this basis for rejection is in error and should be withdrawn.

More specifically, the Harding patent publication admittedly discloses a padding machine in which padding of different lengths may be produced. Applicant, however, freely acknowledges that padding machines alone are not new and, likewise, padding machines capable of producing padding in different lengths are also not new.

What makes Applicant's machine not only new, but patentably unobvious, is that Applicant uses the input means 18 to not only start and stop the drive motor and automatically initiate the cutting operation once the drive motor has been stopped, but also to store the length of the padding for a subsequent call up.

The Harding publication simply does not disclose these aspects of Applicant's invention. For example, the Patent Examiner has suggested that paragraph [0081] of Harding teaches storing the length of time of activation of the input means in memory for subsequent call up. However, Applicant respectfully submits that the Patent Examiner reads too much into Harding and that Harding simply does not teach these claimed features of Applicant's invention.

More specifically, paragraph [0081] admittedly teaches that the length of the control pad is stored in nonvolatile memory but there is absolutely nothing in paragraph [0081] of Harding, or anywhere else in Harding for that matter, which teaches or suggests that that padding length may be subsequently called up or retrieved. Instead, it appears from Harding that Harding merely maintains a running total of the amount of padding produced.

Similarly, claim 1 in the instant application clearly requires that activation of the input means 18 starts the drive motor and deactivation of the input means stops the drive motor and initiates the cutting procedure. The Patent Examiner has suggested that paragraph [0046] of Harding discloses this, but it clearly does not.

Rather, as is clear from paragraph [0046] of Harding, the buttons on the keypad are programmed to correspond to known lengths, such as 12 inches. Consequently, in Harding, the momentary activation and deactivation of a key on a keyboard will generate a padding of a predetermined length, such as 12 inches. Unlike the instant invention, as is clearly defined in claim 1, the release of the input means or keypad button of Harding neither terminates the drive

motor nor does it initiate the cutting operation. These features, furthermore, are clearly set forth in claim 1 in the instant application.

Since Harding fails to disclose each and every claimed element of the present invention, Applicant respectfully submits that the Patent Examiner's rejection of the claims in this case as anticipated by Harding is in error and should be withdrawn.

Just as importantly, it is clear that Applicant's invention is patentable over and above the Harding reference. In Applicant's invention, a variable length of padding can be produced corresponding solely to the length of time that the input means or button 18 is depressed. Consequently, unlike the Harding patent, it is not necessary to preprogram fixed lengths of padding rather than the infinitely variable length of padding achieved by the present invention.

For all the foregoing reasons, Applicant respectfully submits that claim 1 and its dependent claims patentably define the present invention over the prior art of record and are, therefore, allowable.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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